

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 21-20283

v.

Judith E. Levy  
United States District Judge

Ken Kenyatta Wilson,

Mag. Judge David R. Grand

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION [21]**

On December 10, 2021, the Court referred this case to Magistrate Judge Grand for a competency hearing pursuant to 18 U.S.C. § 4247(d). *See* 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Grand conducted the hearing on December 22, 2021, and heard testimony from Dr. Brent R. Smith of Arbor Hills Psychological Services, who had examined Defendant, Ken Kenyatta Wilson, on August 2, 2021. (ECF No. 21, PageID.197-98).

On December 27, 2021, Magistrate Judge Grand issued a Report and Recommendation [21] finding “that Wilson is presently suffering from a mental disease or defect that renders him mentally incompetent

to stand trial.” (*Id.* at 202). He accordingly recommended 1) that the Court find Wilson “incompetent to stand trial at this time with respect to the charges he is facing in this criminal action,” and 2) that the Court “enter an order committing Wilson to the custody of the Attorney General” pursuant to 18 U.S.C. § 4241(d).

The parties were required to file specific written objections, if any, to Magistrate Judge Grand’s Report and Recommendation within fourteen days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. LR 72.1(d). No objections were filed.<sup>1</sup> The Court has nevertheless carefully reviewed the Report and Recommendation and concurs in its findings and conclusions. At present, Wilson is incompetent to stand trial with respect to the charges he is facing in this criminal action. Accordingly,

The Report and Recommendation (ECF No. 21) is ADOPTED.

IT IS ORDERED that Wilson is hereby COMMITTED to the custody of the Attorney General, who shall hospitalize Wilson for treatment in a suitable facility “for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a

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<sup>1</sup> By failing to object to the Report and Recommendation, the parties have forfeited any further right of appeal. See *United States v. Wandahsega*, 924 F.3d 868, 878 (6th Cir. 2019); see also *Berkshire v. Beauvais*, 928 F.3d 520, 530 (6th Cir. 2019).

substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward,” and for “an additional reasonable period of time until– (A) his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the proceedings to go forward; or (B) the pending charges against him are disposed of according to law; whichever is earlier.” 18 U.S.C. § 4241(d)(1), (2).

IT IS FURTHER ORDERED that if, at the end of the time period specified, it is determined that Wilson’s mental condition has not so improved as to permit the proceedings to go forward, Wilson shall be subject to the provisions of 18 U.S.C. §§ 4246 and 4284. 18 U.S.C. § 4241(d).

IT IS SO ORDERED.

Dated: February 18, 2022  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 18, 2022.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager